

Docket No.: 29953-209719  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Qiuchen P. Zhang

Application No.: 10/849,971

Filed: May 20, 2004

For: **MOLDED PLASTIC-HOT-FILL  
CONTAINER AND METHOD OF  
MANUFACTURE**

Confirmation No.: 8635

Art Unit: 3727

Examiner: S. A. Weaver

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**CENTRAL FAX CENTER**  
**SEP 14 2006**

**REQUEST FOR STATUS OF PUBLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On January 12, 2005, a Power of Attorney, and a Statement Under 37 CFR § 3.73(b) (with documentation attached thereto) was filed in the USPTO, assigning power to prosecution this application before the USPTO to Venable LLP, and all attorneys associated with Customer 26694. A copy is attached hereto.

On March 1, 2005, we filed a Request to Rescind Previous Non-Publication Request, facilitating the publication of this application. A copy is attached hereto. To date, we have not received a Notice of Publication of Application.

Please advise of the status of the publication of this application.

Inquiry is also made as to the status of the Power of Attorney filed on January 12, 2005. As of April 14, 2006, correspondence from the USPTO was still being sent to Owens-Illinois, Inc.

FROM VENABLE LLP VIENNA VA

(THU) 9.14'06 18:29/ST. 18:25/NO. 4862865324 P 17

Application No. 10/849,971

Docket No.: 29953-209719

Dated: September 14, 2006

Respectfully submitted,

By:   
**Stuart L. Smith**  
Registration No.: 42,159

VENABLE LLP  
P.O. Box 34385  
Washington, DC 20043-9998  
(202) 344-4000  
(202) 344-8300 (Fax)  
Attorney/Agent For Applicant

780188

COPY

124389

Venable Filing Number

January 12, 2005

Filing Date

Atty. Docket No. 29953-209719

Re: "MOLDED PLASTIC HOT-FILL CONTAINER AND METHOD OF MANUFACTURE" ~ Qiuchen

Peter ZHANG

Application No.: 10/849,971

Filing Date: May 20, 2004

Patent No.:

Issue Date:

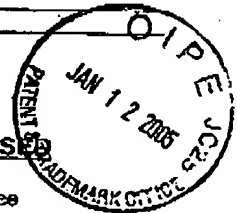
Trademark:

Trademark Reg. No.:

Opposition/Cancellation No.:

The following items were received from Venable  
Washington, D.C., by the U.S. Patent & Trademark Office:

## U.S. PTO FEES ENCLOSED



XXXXXXXX

## TRANSMITTAL LETTER

New U.S. Patent/Design/Application (\_\_\_ pages of  
specification/claims

Formal Drawings (\_\_\_ Sheets)

Invention Declaration

Request To Rescind Previous Nonpublication Request

Translation of International Application

XXXXXXXX

POWER OF ATTORNEY OR AUTHORIZATION OF  
AGENT

Rule 53(d) Continuation or Division Application

Rule 53(b) Continuation or Division

Information Disclosure Statement with Form 1449

(2 References, Not Attached)

Response to Notice to File Missing Parts with Copy of  
Notice

Letter -- Request for Correction of Assignee Address

Request for Extension of Time (Three Month)

Request for Reconsideration

XXXXXXXX

International Search Report (3 References)

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Preliminary Amendment

Petition/Request for Extension of Time (3 Months)

Notice of Appeal

Appeal Brief (in triplicate)

Request for Oral Hearing

Confirmation of Hearing Petition

Issue Fee Transmittal

Certificate of Correction

Maintenance Fee Transmittal

TM Statement of Use

Declaration Under 8

Declaration Under 8 and 15

TM renewal Application

Notice of Opposition

Request for Corrected Filing Receipt

Terminal Disclaimer

Status Inquiry

Filing Fee

Surcharge Fee

Additional Claim Fee

Recordation/Indexing Fee

IDS Fee

Extension Fee (3 Mos.)

Notice of Appeal Fee

Brief on Appeal Fee

Oral Hearing Request Fee

Petition Fee

Issue Fee

Maintenance Fee

TM Statement of Use

8 Affidavit Fee

8 and 15 Affidavit

TM Renewal Application Fee

Notice of Opposition Fee

\$0.00

Total Fees Paid

Check No. Attached

Charge Deposit Account No. 22-0261

Attached

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Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/849,971	
	Filing Date	May 20, 2004	
	First Named Inventor	Qiuchen Peter ZHANG	
	Group Art Unit	3727	
	Examiner Name	Unassigned	
Total Number of Pages in This Submission	4	Attorney Docket Number	29953-209719

<b>ENCLOSURES (check all that apply)</b>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney to Prosecute Applications Before the USPTO <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

COPY

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual name	Venable P.O. Box 34385 Washington, D.C. 20043-9998	26694 PATENT TRADEMARK OFFICE
Signature	Keith G. Haddaway, Ph.D. Registration No. 46,180	
Date	January 12, 2005	

<b>CERTIFICATE OF MAILING</b>			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this date: _____			
Typed or printed name			
Signature		Date	

**VENABLE**  
ATTORNEYS AT LAWSEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, 22313-1450.  
::ODMA\PCDOCS\DC2DOCS\1611899\1

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 11/30/2005. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number:

26694

OR

☐ Practitioner(s) named below (If more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(p) to:

☒ The address associated with Customer Number:

26694

OR

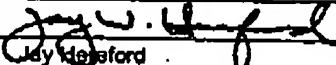
<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Fax		

Assignee Name and Address:  
Graham Packaging PET Technologies Inc.  
2401 Pleasant Valley Road  
York, PA 17402

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	11/19/04
Name	Jay W. Harford	Telephone	(717) 849-8500
Title	Vice President		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to be filed by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

Revised PTO/55/95 (05-00)  
 Approved for use through 10/31/2002. OMB 0551-0031  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Attorney Docket No. 28953-209719 (Formerly 18344USA)

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Graham Packaging PET Technologies Inc.

Application No./Patent No.: 10/849,971

Filed/Issue Date: May 20, 2004

Entitled: MOLDED PLASTIC HOT-FILE CONTAINER AND METHOD OF MANUFACTURE

Graham Packaging PET Technologies Inc. a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

COPY

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. Assignment from the inventors to Continental PET Technologies Inc.

The document was recorded in the United States Patent and Trademark Office at

Reel 015363

, Frame 0502

, or for which a copy thereof is attached.

2. Name change from Continental PET Technologies Inc. to Graham Packaging PET Technologies Inc. for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8.)

- ☒ Please also record the above-mentioned attorney docket number in any applicable databases.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

January 12, 2005

Date

Kath G. Haddaway  
 Signature

Kath G. Haddaway (Reg. No. 46,180)

Stuart I. Smith (Reg. No. 42,159)

Typed or printed name

Representative of Assignee

Title

**VENABLE**  
 ATTORNEYS AT LAW

Burdan Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

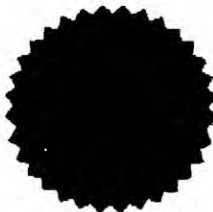
# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "CONTINENTAL PET TECHNOLOGIES, INC.", CHANGING ITS NAME FROM "CONTINENTAL PET TECHNOLOGIES, INC." TO "GRAHAM PACKAGING PET TECHNOLOGIES INC.", FILED IN THIS OFFICE ON THE TWELFTH DAY OF OCTOBER, A.D. 2004, AT 4:51 O'CLOCK P.M.

# COPY

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

2011463 8100

AUTHENTICATION: 3477820

040821089

DATE: 11-15-04

COPY

**CERTIFICATE OF AMENDMENT  
TO THE  
RESTATED CERTIFICATE OF INCORPORATION  
OF  
CONTINENTAL PET TECHNOLOGIES, INC.**

---

**Pursuant to Section 242 of the General  
Corporation Law of the State of Delaware**

---

Continental PET Technologies, Inc., a Delaware corporation (the  
"Corporation"), does hereby certify as follows:

**FIRST:** Article FIRST of the Corporation's Restated Certificate  
of Incorporation is hereby amended to read in its entirety as set forth below:

**FIRST:** The name of the Corporation is Graham  
Packaging PET Technologies Inc.

**SECOND:** The foregoing amendment was duly adopted in accor-  
dance with Sections 228 and 242 of the General Corporation Law of the State of  
Delaware.

IN WITNESS WHEREOF, the Corporation has caused this Cer-  
tificate to be duly executed in its corporate name this 12th day of October, 2004.

**CONTINENTAL PET  
TECHNOLOGIES, INC.**

By: 

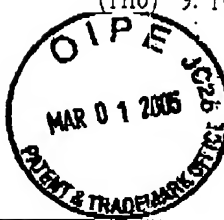
Name: John E. Hamilton  
Title: Chief Financial Officer &  
Secretary

201107.02-Washington SLA

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 04:51 PM 10/12/2004  
FILED 04:51 PM 10/12/2004  
SRV 040736290 - 2011463 FILE



125322  
Venable Filing Number



Attorney/LAA: SIS/rpf  
PTO Due Date: March 1, 2005  
Date Filed: March 1, 2005

Atty. Docket No: 29953-209719  
Re: Qiuchen Peter Zhang  
Application No: 10/849,971  
Patent No.:                       
Trademark:                       
Opposition/Cancellation No:                     

Filing Date: May 20, 2004  
Issue Date:                       
Trademark Reg. No:                     

The following items were received from Venable, Washington, D.C., by the U.S. Patent & Trademark Office:

**U.S. PTO FEES ENCLOSED**

☐ Transmittal Letter  
☐ Fee Transmittal Letter  
☐ New U.S. Provisional Application (        pages of specification/claims)  
☐ Formal Drawings  
☐ Submission of Formal Drawings Transmittal Letter  
☐ U.S. National Stage Application of PCT Application  
☐ Translation of International Application  
☐ New U.S. TM Application (        specimens)  
☐ Rule 53(d) Continued Prosecution Application  
☐ Substitute Specification  
☐ Rule 53(b) Continuation or Divisional Application (attach copy of specification, claims, drawings & declaration)  
☐ Priority Document-Cert. Copy of Appln.#: Country:             
☐ Date Filed:             
☐ Request for Continued Examination (RCE) under 37 CFR 1.114  
☐ Application Data Sheet  
☐ Assignment w/Cover Sheet  
☐ IDS w/ PTO SB/08A a/k/a PTO Form-1449  
☐ Response to Election of Species Requirement  
☐ Second Amendment After Final Rejection  
☐ Petition for Extension of Time (one month)  
☐ Amendment  
☒ Appeal Brief (in triplicate)  
☒ Request to Rescind Previous Non-Publication Request  
☐ Interview Summary  
☐ Fee Transmittal  
☐ Certificate of Correction  
☐ Power of Attorney  
☐ Response to Notice to File Missing Parts  
☐ Response to Notice to File Missing Requirements  
☐ Response to Restriction Requirement  
☐ Petition to Revive  
☐ Sequence Listing - CDR Enclosed? ☐ Yes ☐ No  
☐ Status Inquiry  
☐ Request to change Attorney Docket Number  
☐ Request to Rescind Non-Publication Request  
☐ Terminal Disclaimer  
☐ TM Statement of Use  
☐ Extension of Time(        mo. ext.)  
☐ Declaration Under 8  
☐ Declaration Under 8 and 15  
☐ TM Renewal Application  
☐ Notice of Opposition (*Please list all documents in Other section*)  
☐ Official Gazette Date:             
☐ Amendment to Allege Use  
☐ Other: (*Please describe below*)                                     

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☐ Filing Fee  
☐ Surcharge Fee  
☐ Additional Claim Fee  
☐ Recordation/Indexing Fee  
☐ IDS Fee  
☐ Statutory Disclaimer Fee  
☐ Notice of Appeal Fee  
☐ Brief on Appeal Fee  
☐ Oral Hearing Request Fee  
☐ Extension Fee  
☐ Issue Fee  
☐ Publication Fee  
☐ TM Statement of Use  
☐ 8 Affidavit Fee  
☐ 8 and 15 Affidavit  
☐ TM Renewal Application Fee  
☐ Notice of Opposition Fee  
☐ TM Publication Fee  
☐ TM Extension of Time Fee

Total Fees Paid

If the Deposit Account was used, was a copy of this form sent to Accounting?  
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☐ Check Number            Attached  
☐ Charge Deposit Account No. 22-0261\*  
☐ Yes ☐ No

Revised PTO/SB/88 (04-01)

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Attorney Docket No. 29953-209719

<b>REQUEST TO RESCIND PREVIOUS NONPUBLICATION REQUEST</b> <b>35 U.S.C. 122(b)(2)(B)(ii)</b>	Application Number	10/849,971
	Filing Date	May 20, 2004
	First Named Inventor	Qiuchen Peter Zhang
	Title	MOLDED PLASTIC HOT-FILL CONTAINER AND METHOD OF MANUFACTURE
	Att'y Docket Number	29953-209719
	Group Art Unit	3727
	Examiner	Unknown

I hereby rescind the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

3/1/05

Date



Signature

Stuart I. Smith

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b).

Note: Filing this rescission of a previous nonpublication request is considered the notice of a subsequent foreign or international filing required by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) if this rescission is filed no later than forty-five days (45) days after the date of filing of such foreign or international application. See 37 CFR 1.137(f) if a notice of subsequent foreign or international filing required by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is not filed within forty-five days (45) days after the date of filing of the foreign or international application.

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Washington, D.C. 20043-9998

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PC Docs No. 618679

